

OPINION 1076

REFUSAL OF APPLICATION FOR THE USE OF THE PLENARY
POWERS TO SUPPRESS *PROCYON BRACHYURUS* WIEGMANN, 1837
AND *PROCYON OBSCURUS* WIEGMANN, 1837
(MAMMALIA CARNIVORA)

RULING.- (1) The application for the of the plenary powers to suppress the specific name *brachyurus*, *Procyon*, Wiegmann, 1837, and *obscurus*, *Procyon*, Wiegmann, 1837, is hereby refused.

(2) The names mentioned in Clause (1) remain available and are subject to the provisions of the International Code of Zoological Nomenclature, including Article 23a-b.

(3) The specific names *brachyurus*, *Procyon*, Wiegmann, 1837, and *obscurus*, *Procyon*, Wiegmann, 1837, are hereby placed on the Official List of Specific Names in Zoology with the Name Numbers 2597 and 2598 respectively, with the endorsement given in clause (2) of this Ruling.

HISTORY OF THE CASE Z.N (S) 1640

An application for the suppression of *Procyon brachyurus* Wiegmann, 1837, and *Procyon obscurus* Wiegmann, 1837, was first received from Dr. Charles A. Long (*Department of Zoology, University of Illinois*) on 5 March 1964. It was sent to the printer on 8 May 1964 and published on 16 October 1964 in *Bull. zool. Nomencl.* vol. 21: 318-320. Dr Lemche objected to the references to type-localities in the detailed proposals to the Commission (para 9 of the application). The application was supported by Dr. Hobart M. Smith (then of *Department of Zoology, University of Illinois*) (*Bull.* vol. 22: 16) and opposed by Dr. Philip Hershkovitz (*Chicago Natural History Museum*) (*Bull.* vol. 22: 338).

The Committee on Nomenclature of the American Society of Mammalogists sent the following comment, which was circulated to members of the Commission with their Voting Papers:

"In reviewing Long's proposal for the suppression of the two Wiegmann names for raccoons, the Committee was mindful that they are in a sense nomina dubia. Still in all, in the opinion of the majority, no sound reasons exist for suppressing these two names. No convincing evidence was brought forth by Long that the name *brachyurus* was applied to an Antillean or Bahaman raccoon or that a 'state of confusion' would result if the name was applied to some kind of raccoon. Suppression was asked for the name *obscurus* simply because its 'type-locality is unknown'.

"After weighing the proposal by Long and subsequent comments written by Philip Hershkovitz, five members of the committee voted against suppression of *Procyon brachyurus* and *Procyon obscurus*. The remaining two members saw some merit in Long's proposal, but did not give it their unqualified support." This comment was signed by W.H. Burt, C.O. Handley, Jr., P. Hershkovitz, K.F. Koopman, W.Z. Liddicker, R.L. Peterson and J.K. Jones, Jr., Chairman.

DECISION OF THE COMMISSION

On 16 June 1966 the members of the Commission were invited to vote under the Three-Month Rule on Voting Paper (1966)35 for or against the proposals set out in *Bull. zool. Nomencl.* vol. 21: 319-320. At the close of the Voting Period on 16 September 1966, the state of the voting was as follows:

Affirmative Votes - five (5) received in the following order: Lemche, Holthuis, Binder, Mayr, Mertens

Negative Votes - fourteen (14) received in the following order: China, Brinck, Boschma, Vokes, Sabrosky, Jaczews'ki, Obruchev, do Amaral, Uchida, Tortonese, Kraus, Forest, Alvarado, Evans

Late Affirmative Votes: Ride, Stoll, Simpson, Bonnet

Voting Papers not returned: Hubbs, Munroe

The following comments were returned by members of the Commission with their Voting Papers:

Lemche: The two names are obviously nomina oblita and as such do not deserve to be revived. The opponents of the present proposal do not offer any solution to a situation where two scientists would try to apply one of these names each to his own species of *Procyon*. The present proposal has the merit that it will prevent such purposeless discussion.

Jaczeswki: I agree with the objections raised by P. Hershkovitz and the Committee on Nomenclature, American Society of Mammalogists.

Binder: The only way to prevent with certainty a nomen dubium from being used in the future in place of an unequivocal name is to suppress it. There may be other ways to dispose of it in the present case (as a junior synonym, for instance), but these can be challenged. Since the Commission has been given the trouble to deal with the case, it might as well settle it definitively.

Kraus: I vote against the proposal especially because the reasons why the name *obscurus* should be suppressed are not discussed at all.

Mayr: I see no harm in removing these two dubious names from the rank of availability. In their present status they continue to be a potential threat to stability. Admittedly it would have been better never to have bothered the Commission with this case.

Simpson: As Hershkovitz admits, *P. brachyurus* and *P. obscurus* are simply unidentifiable. They may be senior synonyms of several different names. Hershkovitz's discussion does *not* eliminate confusion, and stability *does* require Commission action. Smith's arguments are cogent.

NOTE BY THE SECRETARY

It is not clear why an Opinion was not issued on this case immediately after the completion of the voting. My attention to this lapse was drawn by Dr. Karl. F. Koopman (*American Museum of Natural History, New York*) in a letter dated 8 July 1976.

In examining the file with a view to preparing the ruling in this Opinion, it was clear that the situation concerning these names has been materially altered

by the action of the XVII International Congress of Zoology (Monaco, 1972) concerning Articles 23a-b and 79b. For while it may be inferred from the Commission's decision that the validity of *Procyon brachyurus* Wiegmann, 1837, and *P. obscurus* Wiegmann, 1837, is a matter for zoologists to decide, it is also clear that it would be a contravention of Article 23a-b to give either name validity in such a way as to displace a long-established name in its accustomed meaning. Since both names remain available, it seems prudent to endorse their entries on the Official List with a reference to their position under the Code as it now stands. If this is not done, misunderstandings may arise in the future as to the conditions which limit the potential validity of these names, even though they appear on the Official List.

ORIGINAL REFERENCES

The following are the original references for the names placed on an Official List by the Ruling given in the present Opinion:

brachyurus, *Procyon*, Wiegmann, 1837, *Arch. Naturges.* vol. 3 (1): 369

obscurus, *Procyon*, Wiegmann, 1837, *Arch. Naturges.* vol. 3(1): 370.

CERTIFICATE

I certify that the votes on Voting Paper (66)35 were cast as set out above, that the proposal contained in that Voting Paper has been rejected, and that the decision so taken, being the decision of the International Commission on Zoological Nomenclature, is truly recorded in the present Opinion No. 1076.

R.V. MELVILLE

Secretary

International Commission on Zoological Nomenclature

London

10 August 1976